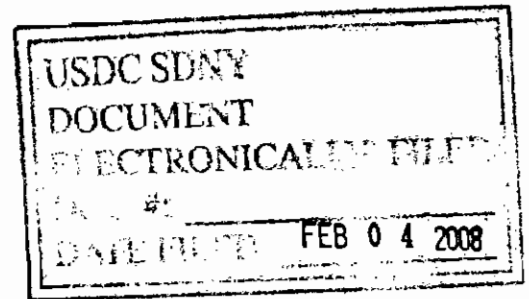


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
MILANA DRAVNEL,

Plaintiff,

-v-

No. 07 Civ. 10406 (LTS)(JCF)

OSCAR DE LA HOYA,  
John and/or Jane Does 1 & 2,

Defendants.  
-----X

**ORDER**<sup>1</sup>

Defendants filed a motion to compel arbitration or in the alternative, to dismiss Plaintiff's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on November 26, 2007. (Docket Entry No. 2.) Plaintiffs' complaint contained allegations that Plaintiff had entered into an agreement with Defendant Oscar de la Hoya. (Compl. ¶¶ 11-16.) The portion of Defendants' motion seeking an order to compel arbitration was premised on a provision in that agreement, and a purported copy of that agreement was submitted along with Defendants' motion.

Plaintiff thereafter filed an Amended Complaint, which did not explicitly reference said agreement. (Docket Entry No. 18.) Defendants then filed a motion to dismiss the Amended Complaint on January 8, 2008 (Docket Entry No. 15), which has since been fully briefed.

Defendants' motion to compel arbitration or in the alternative, to dismiss Plaintiff's original complaint is therefore moot, as is Defendant's request to strike Plaintiff's sur-reply filed in

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<sup>1</sup> *The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.*

connection therewith. The Clerk of Court is respectfully requested to terminate Docket Entry No. 2.

SO ORDERED.

Dated: New York, New York  
February 1, 2008

A handwritten signature in black ink, appearing to read 'Laura Taylor Swain', is written over a horizontal line.

LAURA TAYLOR SWAIN  
United States District Judge